



December 9, 2019

VIA ECF

Honorable Wilhelmina M. Wright
United States District Court
334 Federal Building
316 N. Robert Street
St. Paul, Minnesota 55101

Re: *Fair Isaac Corp. v. Federal Insurance Co., et al.*,
No. 16-cv-01054-WMW-DTS (D. Minn. filed April 21, 2016)

Dear Judge Wright:

We write to oppose, in part, FICO's letter request for simultaneous briefing on Federal's statute of limitations defenses. (Dkt. No. 680.) Federal does not oppose additional briefing if the Court deems it necessary. In the event the Court does grant additional briefing, however, we would request that the deadlines for this briefing be staggered as opposed to simultaneous, so that Federal has an opportunity to respond to FICO's characterization of the evidence contained in its supplemental disclosure and Rule 30(b)(6) testimony.

The only new information that Federal provided to FICO was to confirm that the Blaze Advisor software was [REDACTED] (See Ex. A, 11/15/2019 Letter from C. Pham to A. Hinderaker.) The initial installation in the United Kingdom still occurred in 2009. Federal also maintains its position that it has found no evidence of the software ever being installed in Australia or Canada.

These [REDACTED] do not change the application of Federal's statute of limitations defenses to FICO's claims. The initial 2009 installation is when FICO's contract claim for breach of the territory definition in the disputed license agreement and its corresponding claim for copyright infringement both accrued. FICO's copyright claim is thus barred by the three year limitations period found in § 507 of the Copyright Act and its contract claim is barred by the six year period set forth by N.Y. C.P.L.R. § 213.

Sincerely,

/s/ *Terrence J. Fleming*

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